

IN RE: PETITION FOR ZONING VARIANCE
WS of Stoney Batter Road,
2500' S Sunshine Avenue
12227 Stoney Batter Road
11th Election District
5th Councilmanic District
John G. Baxter, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-188A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section B400.1 to allow an accessory structure (garage) in the front yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit 1.

The Petitioner, Mr. John G. Baxter, appeared and testified. Appearing and testifying as Protestants were James W. Michel and Marian C. Michel.

Testimony indicated that the subject property, known as 12227 Stoney Batter Road, consists of 7.47 acres +/-, zoned R.C.5. and is improved with a single family dwelling and accessory garage.

The Petitioner testified that the subject 24 x 40 foot garage was the result of the reconstruction of a dilapidated structure which was located on the approximate site of the existing garage. Evidence indicated that the Petitioner has been cited for a zoning violation regarding the front yard location of the accessory structure.

The Petitioner testified that the original garage structure existed on the property when he purchased it in July of 1969. He also testified that the subject garage is hidden from view from his adjoining neighbors by an existing vegetative buffer.

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

Responding to Protestants' concerns regarding alleged commercial activity in the subject garage, the Petitioner testified that the garage has been used for domestic purposes only and has never, nor will be utilized to support any of his commercial endeavors.

Mrs. Marian Michel testified that she frequently observed heavy equipment in the nature of dump trucks and trailers pulling in and out of the subject property. She testified that she believes the subject property is being utilized for commercial purposes and is concerned that this commercial activity may intensify as the Petitioner's business increased. She also testified that if the garage is permitted to remain, that it be restricted to domestic use only.

Mr. James Michel testified that the old garage had been torn down, but that the new garage was not constructed on the same footprint as the old garage. Mr. Michel stated his concerns regarding the alleged commercial activity being conducted from Mr. Baxter's property and the possible intensification of this activity. He stated that he would favor a restriction limiting the use of the garage for domestic purposes only should the garage be permitted to remain.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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Date 11/16/90
By [Signature]

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of January, 1990 that the Petition for a variance to allow an accessory structure (garage) in the front yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required

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Date 11/16/90
By [Signature]

to return, and be responsible for returning, said property to its original condition.

2) The Petitioners shall not, for any purpose, allow or cause the subject garage to be used other than domestic use. The garage shall not be utilized for the storage of commercial materials or utilized in any other manner for commercial endeavors.

3) The Petitioners shall not allow or cause the subject property to be utilized for the storage of commercial equipment, materials or commercial vehicles.

4) The Petitioner shall not conduct, dispatch or, in any other manner, operate a commercial activity from the subject property.

5) Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel
Protestants

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section B 400.1

To allow an Accessory Structure (Garage) in front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attachment 1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County as applied pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
John G. Baxter
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 12227 Stoney Batter Rd (301) 592-8844

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of January, 1990.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

Attachment 1

Hardship/Practical Difficulty

1. This Garage is built on a plateau which is incorporated with a terrace feature of my homestead. My home steps down to meet this plateau. This plateau meets my house, meets the Garage and provides the turn-around and parking area for my residence. The location of the Garage is most suitable to existing conditions of terrain and complements the overall homestead. It is totally on my property and at a minimum 4 1/2' - 5' setback from the property line. (My property was surveyed in 1988 by a licensed surveyor and the plot is recorded in Balto. Co. records)

The Garage structure was in place at the time that I purchased the home in July 1969.

2. Over a period of years I have improved the Garage by pouring a new concrete floor, pouring a concrete pad next to the east side, providing a sidewalk at the front and asphalt paving to meet the entrance. I have put on a new roof, re-paneled the sides, installed new windows and doors and updated the electrical system. The building meets all fire and electrical safety codes and has passed voluntary fire inspections of the Kingville Fire Dept. The appearance of the Garage conforms to the appearance of my home and the aforementioned renovations represent a considerable investment of my personal time as well as money.

3. The closest house to the rear of the property is 442' from the Garage. The closest house to the front of the property is 802' from the Garage. Trees and woodland prevent visibility of this Garage from any direction. It is an attractive building and by no means could be considered offensive. The closest houses to the right and to the left are approximately 1/4 and 1/2 mile away, respectively.

4. Relocating this building would be totally impossible since it could only occur by complete demolition. The functional aspects of the drive and parking area would be lost and the overall effect to my homestead would be devastating. The aesthetics of my property would be definitely damaged by the remains of a torn-down building and I would lose a very useful storage area. The adjoining property owner to the rear of the Garage could be offended by the resultant mess and appearance. The area would continue to be my storage area for vehicles and light farm equipment, but now such storage would occur in the open and obviously in an unsightly manner.

Gabrielle Z. Baxter
John G. Baxter

July 28, 1989

Description for Zoning Purposes Only

Beginning at a point on the east side of Stoney Batter Road distant 2500'; Southerly from Sunshine Avenue thence leaving Stoney Batter Road Easterly 595'; to a pipe thence N 14-42'40"E 424.04'; thence S63-32'50"E 281.75'; thence N26-05'10"E 264.00'; thence S62-04'20"E 297.00'; thence S12-09'10"W 558.26'; thence N79-09'20"W 608.43'; thence N14-42'40"E 18.45'; thence westerly 621' to Stoney Batter Road, thence Northerly along Stoney Batter Road to the Point of beginning. Containing 7.47 acres and being known as 12227 Stoney Batter Road.

Owners will take full responsibility as to the information provided on said description prepared by Balto. Co.

John G. Baxter
OWNER
7/28/89
DATE

OWNER
DATE

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date Receipt FEE
Day Month Year Number TYPE Identification Number Count District Election District Zip Code

Petitioner: Baxter John
(Last) (First)

Property Address: 12227 Stoney Batter
(Number) (Street)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 068228

DATE 28 JUL 89 ACCOUNT R-01-615-000

AMOUNT \$35.00

RECEIVED FROM John G. Baxter

FOR Res VAR Item 12

B 8114*****3500:1:831EF

VALIDATION OR SIGNATURE OF CASHIER

HENRY D. BLAIR
HENRY D. BLAIR, JR.
ATTORNEY AT LAW

THIS DEED, made this 23rd day of September in the year one thousand nine hundred and sixty-nine between EDWARD P. O'SHAUGHNESSY and EVELYN F. O'SHAUGHNESSY, his wife, of Baltimore County, in

the State of Maryland, Grantors, of the first part, and JOHN G. BAXTER, JR. and GABRIELLE Z. BAXTER, his wife, of Baltimore County, in

the State of Maryland, Grantees, of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Edward P. O'Shaughnessy and Evelyn F. O'Shaughnessy, his wife,

Grantors do hereby grant and convey unto the said

John G. Baxter, Jr. and Gabrielle Z. Baxter, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor,

in fee simple, all that lot of ground situate, lying and being in Baltimore County, and described as follows, that is to say:

BEGINNING FOR THE SAME at a stone heretofore planted at the end of the third or north 62 degrees 04 minutes 20 seconds west 297.00 feet line of the tract of land conveyed by Joseph M. Bowers and wife, to Joseph D. Deigert, unmarried, by a Deed dated November 4, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2811 folio 433 etc; running thence as now surveyed and binding on the fourth line south 26 degrees 05 minutes 10 seconds west 264.00 feet to a rail; ad spike in the south-south east side of a white oak tree at the end of said fourth line; thence binding on a part of the fifth line thereof north 63 degrees 32 minutes 50 seconds west 281.75 feet to an iron pipe at the end of the third or north 14 degrees 42 minutes 40 seconds east 426.04 feet by a deed dated November 4, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2811 folio 448 etc; thence reversely on said third line south 14 degrees 42 minutes 40 seconds west 424.04 feet to an iron pipe at the end of the second line in said deed to James F. Michel and to the northeast side of a right of way 25.00 feet wide leading north 79 degrees 09 minutes 20 seconds west to Stony Batter Road; thence binding on the northeast side of said right of way with the use thereof in common with others entitled thereto and reversely on a part of the line of the land conveyed by Joseph D. Deigert, unmarried, to James F. Michel and wife, recorded among said Land Records in Liber G.L.B. No. 2811 folio 442 etc. south 79 degrees 09 minutes 20 seconds east 35.00 feet to the end of the eleventh line in the last above mentioned Deed; thence reversely on said eleventh line and all of the tenth line thereof the following two courses and distances viz: south 14 degrees 42 minutes 40 seconds west binding for a part across the southeastermost end of said right of way in all a distance of 43.45 feet to an iron pipe at the end of said tenth line and south 79 degrees 09 minutes 20 seconds east 608.43 feet to an iron pipe at the end of the ninth line thereof; thence binding on a part of the second line in the first mentioned deed from Bowers to Deigert north 12 degrees 09 minutes 10 seconds east 558.26 feet to an iron pipe at the end of said second line; thence with all of the third line thereof north 62 degrees 04 minutes 20 seconds west 297.00 feet to the place of beginning. Containing 7.472 acres of land more or less

APRO 4 1 100 24

65250 43

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 376
90-188

Date 11/20/89

M9000105

PUBLIC HEARING FEES QTY PRICE
050 -POSTING SIGNS / ADVERTISING 1 X \$99.86
TOTAL: \$99.86

LAST NAME OF OWNER: BAXTER

B 124*****938618 21F

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 114 Date of Posting: 11/10/89
Posted for: Variance
Petitioner: John G. Baxter, Jr.
Location of property: 12227 Stony Batter Rd., 2520' S. Sunshine Ave.
Location of Sign: Stony Batter Rd. on S. of R.R. for 5 days
Remarks: 11/10/89
Posted by: J. Robert Haines
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 25, 1989

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zabe Olson
Publisher

PO 18387
reg 1130468
price \$ 74.86

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 27, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 26, 1989

THE JEFFERSONIAN,

S. Zabe Olson
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. John G. Baxter
12227 Stony Batter Road
Kingsville, Maryland 21087

Re: Petition for Zoning Variance
CASE NUMBER: 90-188-A
12227 Stony Batter Road, 2500' S Sunshine Avenue
11th Election District - 5th Councilmanic
Petitioner(s): John G. Baxter, et ux
HEARING: TUESDAY, NOVEMBER 21, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Baxters:

Please be advised that \$ 99.86 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

NOTES
(If "Phase II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 13, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-188-A
12227 Stony Batter Road, 2500' S Sunshine Avenue
11th Election District - 5th Councilmanic
Petitioner(s): John G. Baxter, et ux
HEARING: TUESDAY, NOVEMBER 21, 1989 at 2:00 p.m.

Variance to allow an accessory structure (garage) in the front yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTES

(If "Phase II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Mr. & Mrs. Baxter
James W. Michael

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: James Dyer, Zoning Supervisor Date: August 4, 1989
FROM: James Thompson, Zoning Enforcement Coordinator
Item No. 142 (if known)
SUBJECT: Petitioner: J. G. Baxter (if known)

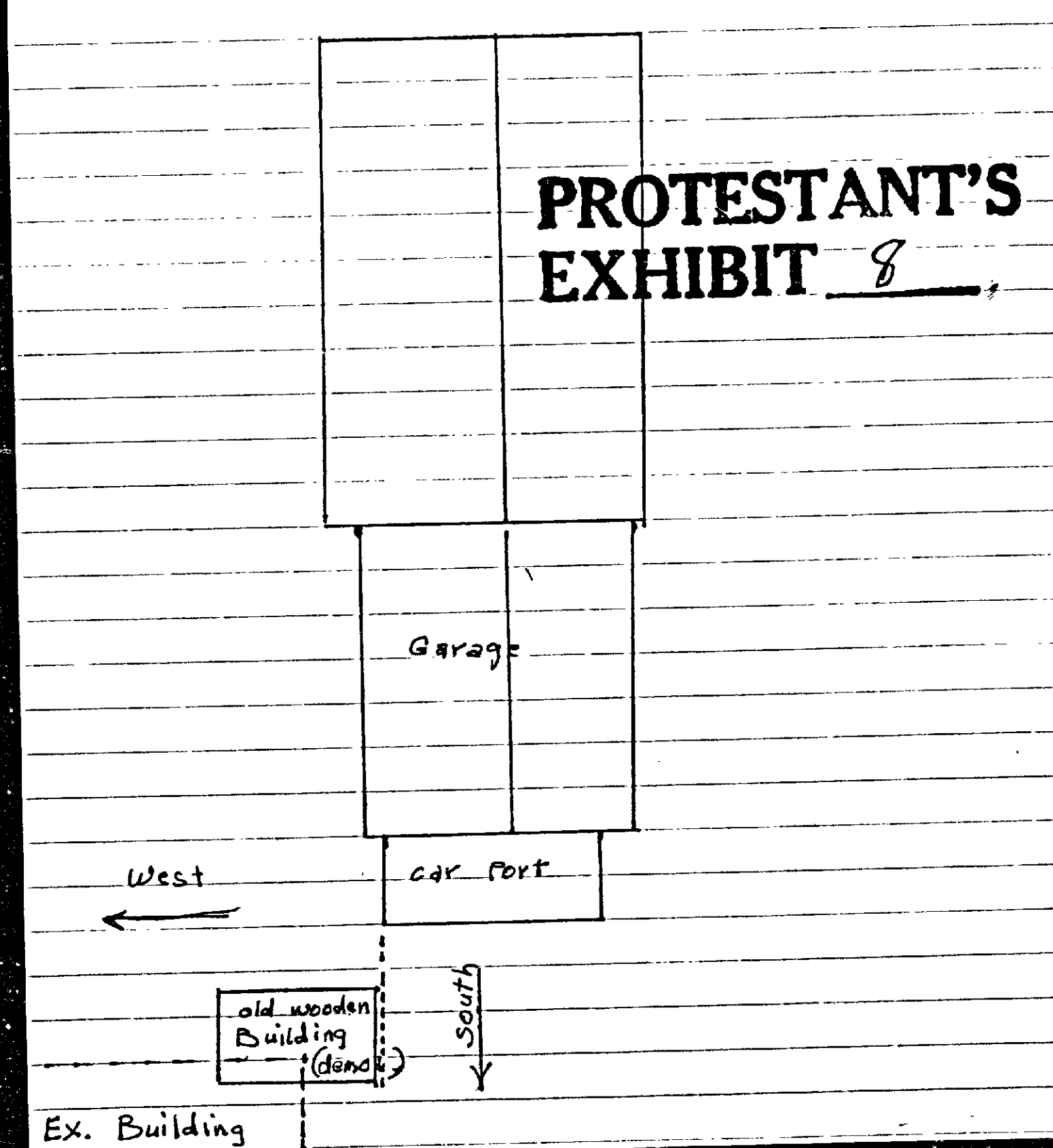
VIOLATION CASE # C-89-1694
LOCATION OF VIOLATION 12227 Stony Batter Road 12227 Stony Batter Road
DEFENDANT John & Gabrielle Baxter ADDRESS Kingsville, MD 21087

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
James W. Michael 12225 Stony Batter Road
Kingsville, MD 21087

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

PROTESTANT'S
EXHIBIT 8



PROPOSAL
PAVE-RITE, INC.
12227 Stony Batter Road
Kingsville, MD 21087
301/592-3522
301/592-8844
Job Site: Properly
Address: _____
City & State: _____
Bill To: _____
Address: _____
City & State: _____
Date of Quote: _____
Estimated Beginning Date: _____
Estimated Completion Date: _____
Purchaser Contact Person: _____
Phone No.: _____

We hereby submit specifications and estimates for:
According to sketch / Drive and Parking

PROTESTANT'S
EXHIBIT 1

Acceptance of Proposal - The above prices, specifications and conditions on the reverse side hereof are satisfactory and are hereby accepted. Pave-Rite, Inc. is authorized to do the work as specified. Payment will be made as outlined on the reverse hereof.

PAVE-RITE, INC. Purchaser's Signature
By: John G. Baxter, President
Date of Purchaser's Acceptance: _____
MHIC-31018

03/19/88 - mkb

#2/H = PROP/PAVEA

November 14, 1989

Mr. C. Robert Haines
Zoning Commissioner
Baltimore County, Md.

Dear Sir:
Regarding: Case Number 90-188A

On the evening of Nov. 13, 1989, I received a telephone call from a neighbor who called my attention to certain vindictive persons in the community who were soliciting signatures on a petition against me concerning my request for a variance for an existing garage.

I was informed that neighbors were being told:

- that my variance was requesting a building permit for construction of a new garage in the front of my property.
- that I was going to operate a commercial/industrial company from the site.
- that Dump Trucks and transport trailers would be hauling equipment and material past their homes enroute to my house.
- that values of their properties would decrease as a consequence of granting my variance.

None of these are true, but some people naturally became alarmed and signed the petition. Unfortunately, these people did not contact me for an explanation of the variance and also neglected to contact Balto Co. for such an explanation.

Later, they realized that their signatures had been acquired under False Pretenses.

On the morning of Nov. 14, 1989, I attempted to reach Mr. S. Kinsinski in the Balto. Co. Planning Office to alert him of this development, but was unable to do so. In his absence, I called Mr. Leonard Kasiburski - Zoning Inspector, who has handled this case and related to him what was happening. He was shocked! I also told him that the descriptive writing on the Variance Sign and in the "Notice of Hearing" letter failed to identify my garage as "EXISTING" and left the Variance open and vulnerable to erroneous interpretations.

He directed me to prepare a written explanation as to the purpose of the Variance and to immediately circulate it to neighbors. He also advised me to ask neighbors to sign an approval sheet for the Variance and in my support. I complied with both requests. This is a rural area with few houses and lots of open space, nevertheless, neighbors within a 1/2 mile radius of my home were given a signed copy of my explanation (to keep). See: Attachment 1

Explanation of Variance

Other than the vindictive persons previously mentioned, all neighbors were quite willing to sign the approval sheet for the Variance.

See: Attachment 2

Neighborhood Approval

Please note that all neighbors (by address) on the only two roads close to my home (Stoney Batter Rd and Bayswater Rd) that signed the approval, also included those names and addresses of neighbors who had been misled into signing the petition against it.

Since I have taken the time and effort to comply with all Balto. Co. requests concerning this matter, I would appreciate your consideration in admitting this material for review by yourself and the Zoning Hearing Committee.

I would also appreciate your advice as to how to suppress these constant harassment tactics by a few spiteful individuals who gain support by deception and are more guilty of wrongdoings than those that they accuse. My neighbors and myself can provide documented evidence of repetitious past occurrences with these same persons. Time and money of citizens and Balto. Co. is wasted in pursuing these unfounded allegations.

Thank you for your attention to this matter.

Sincerely,
John G. Baxter
12227 Stoney Batter Rd.
Kingsville, Md.
301-592-8844

Attachment 1

November 14, 1989

Dear Friends and Neighbors,

To eliminate confusion and to dispel false rumors concerning my variance request for my existing garage:

1. The posted variance sign and the letter that you received from Baltimore County has been incorrectly interpreted that a building permit be given to build a garage in the front yard of my home site, if such variance is approved.

This is completely wrong and my inquiries to the County Zoning group have been answered "that the same form letter and posted sign is used for all variance requests". I am not and will not construct a garage in my front or side yard. The variance request is for an existing garage which is already in place. A county inspection of my property determined that such a variance should be on record. I am complying with zoning laws by requesting it. The garage is used only for normal residential purposes.

2. I have heard the rumor that the garage is being used as a work-site for my paving business and that Dumptrucks and paving equipment are being regularly brought to my house and to the garage.

This is not true. Commercial trucks and equipment have not been brought to this garage in past years and will not be now or in the future.

The only time my equipment is at my home is when a job is being done at my home and only for the duration of that job. Baltimore County laws prohibit operating a business in a residential zoned area and I am obeying those laws.

I am open to your questions and will be glad to allow you to inspect my property, on request, to assure that I am not violating the law or doing something to disturb the tranquility of the community.

Sincerely,

John G. Baxter
John G. Baxter
12227 Stoney Batter Rd.
Kingsville, Md. 21087
592-8844

Attachment 2
(1 of 2)

November 14, 1989

We, the undersigned residents and nearby neighbors have no objection to the location of the existing garage on Mr. John G. Baxter's property (12227 Stoney Batter Road) which requires Baltimore County Variance for the side-yard/front placement. We also do not object to his residential use of this garage.

| Name | Address | Telephone No. |
|------------------------------|-------------------------|---------------|
| Mrs. Mrs. Harold E. Miller | 12311 Baywater Rd. | 592-8134 |
| Mrs. Agnes Alexander | 12310 Baywater Rd. | 592-5396 |
| Mr. William Alexander | 12310 Baywater Rd. | 592-5396 |
| Thomas E. Polley | 12306 Baywater Rd. | 592-8934 |
| Anthony E. Polley | 12306 Baywater Rd. | 592-8934 |
| Mrs. Catherine L. Benton | | 592-6378 |
| John E. Benton | 12300 BAYS WATER RD | 592-6378 |
| Mr. & Mrs. Jeffrey V. Willis | 12210 Stoney Batter Rd. | 592-7393 |
| Blaise K. Willis | 12212 Stoney Batter Rd. | 592-7818 |
| Mr. & Mrs. Glen D. Vreates | 12203 Stoney Batter Rd. | 592-6799 |
| John M. Skelley | 12208 Stoney Batter Rd. | 592-8732 |
| Mr. & Mrs. Donald Mike | 12201 Stoney Batter Rd. | 592-6665 |
| Donald Mike, Jr. | 12201 Stoney Batter Rd. | 592-6665 |
| Wm. A. Freckley | 12105 Stoney Batter Rd. | 592-8957 |
| Andy Freckley | 12105 Stoney Batter Rd. | 592-8957 |
| Greg Sebochek | 12017 Stoney Batter Rd. | 592-9093 |

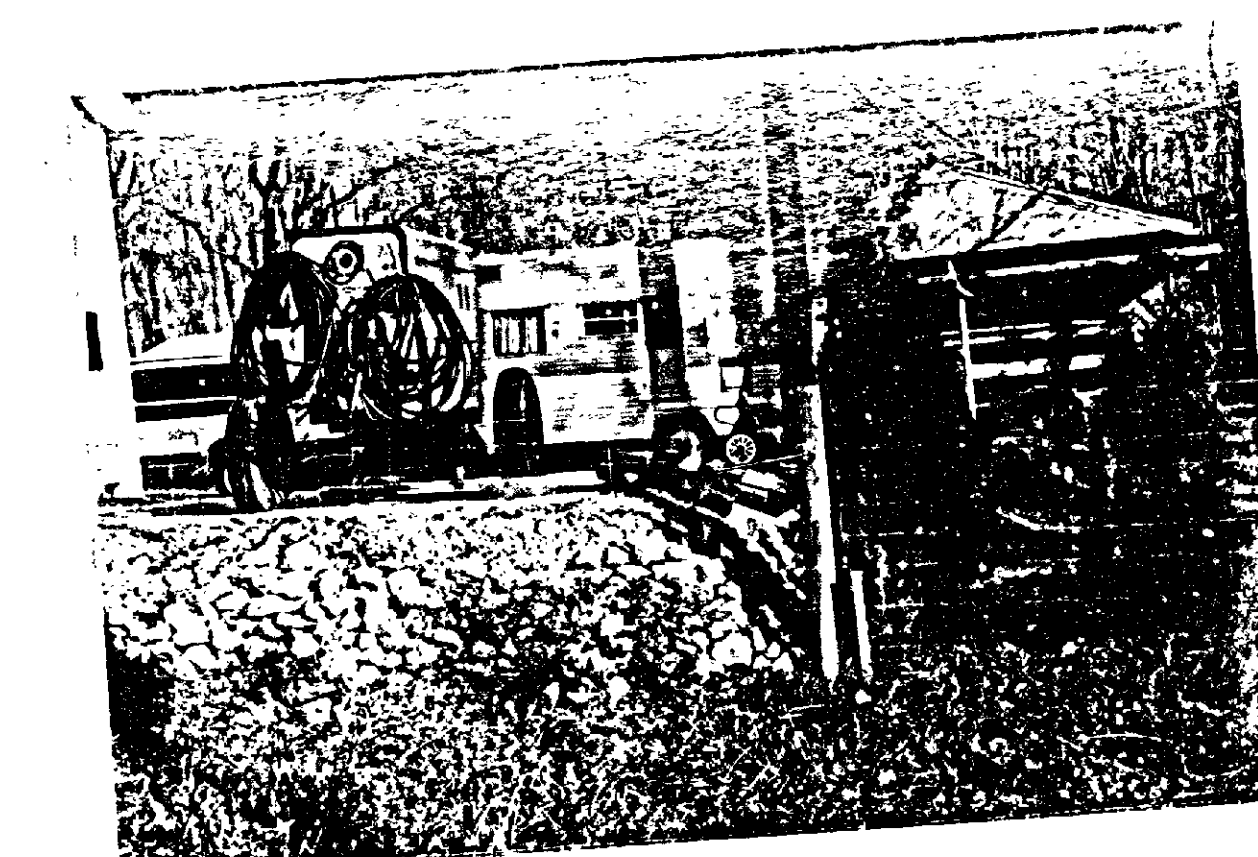
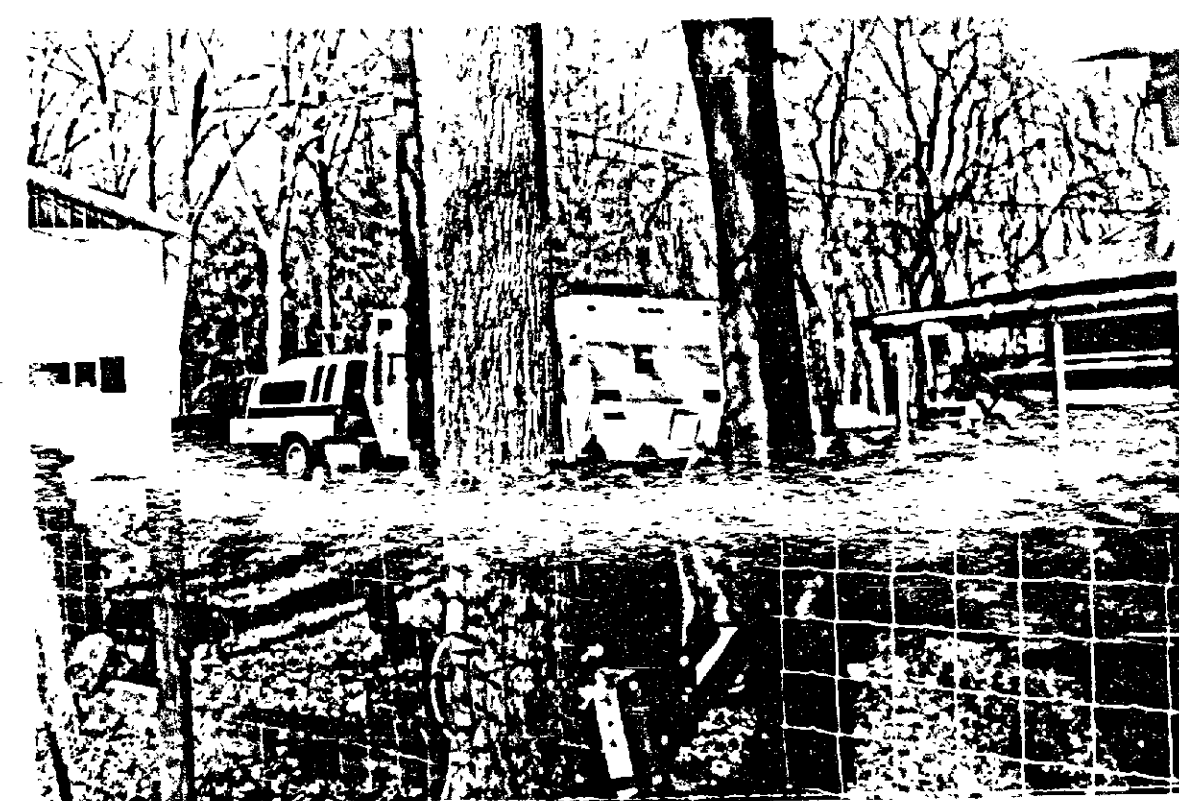
Attachment 2
(2 of 2)

November 14, 1989

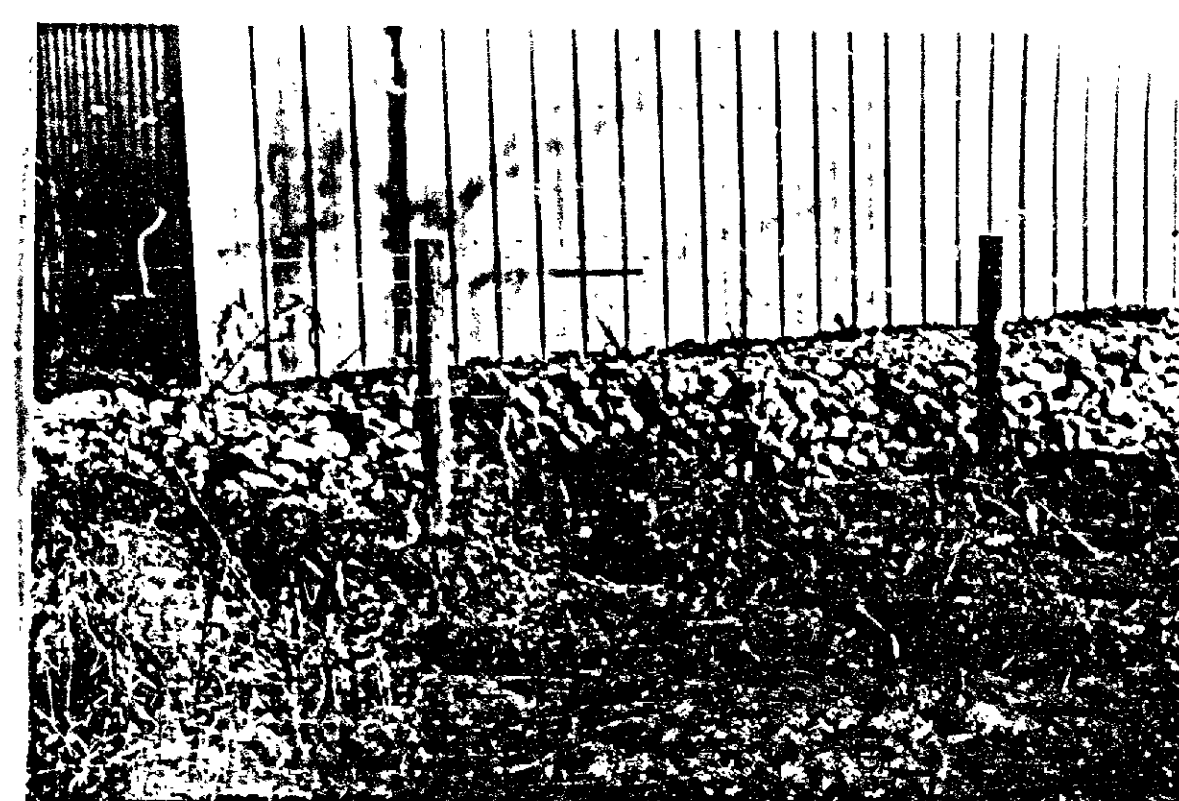
We, the undersigned residents and nearby neighbors have no objection to the location of the existing garage on Mr. John G. Baxter's property (12227 Stoney Batter Road) which requires Baltimore County Variance for the side-yard/front placement. We also do not object to his residential use of this garage.

| Name | Address | Telephone No. |
|--------------------|----------------------------|---------------|
| Carl Fank | 12025 STONEY BATTER RD | 592-8417 |
| Eileen Schabert | 12123 Stoney Batter Rd. | 592-6613 |
| Lois D. Dietz | 12115 Stoney Batter Rd. | 592-9015 |
| Joe Cook | 12132 Stoney Batter Rd. | 592-2443 |
| Margaret Carter | 12130 Stoney Batter Rd. | 592-8384 |
| Michael A. Rinkin | 12300 Stoney Batter Rd. | 592-6911 |
| Henry L. Carter | 12419 Stoney Batter Rd. | 592-2580 |
| Harold McComm | Summit Lane Kingsville Md. | 592-6420 |
| John C. Clark | 12321 STONEY BATTER RD. | 592-7719 |
| Thomas A. Gill | 12323 Stoney Batter Rd. | 592-7719 |
| Donna John Thomas | 12001 Stoney Batter Rd. | 592-7320 |
| Ed & Filled Thomas | 12003 Stoney Batter Rd. | 592-7720 |
| E. F. Fiedler | 11923 Stoney Batter Rd. | 592-7496 |
| Wayne M. Carter | 12136 Stoney Batter Rd. | 592-9046 |
| William R. Rupp | 12329 Stoney Batter Rd. | 592-7496 |
| Kenning Rupp | 12329 Stoney Batter Rd. | 592-2850 |

PROTESTANT(S) EXHIBIT (7)



PETITIONER(S) EXHIBIT (7)



To The Zoning Commissioners of Baltimore County:
Re: Case Number 90-188-A

I am unable to attend the zoning hearing on Tuesday,
November 21, 1989, but request that this letter be read into
the proceedings.

I have seen construction equipment such as a dump truck
and a trailer with paving equipment move from 12227 Stoney Batter Road
in the mornings and return in the afternoon or evening. I have heard
the noise of this equipment on various days of the week, including
Sundays.

I object to the noise, to the traffic, and to the existence
of a heavy construction business in a residentially zoned area.

signed: Robert H. Cornthwaite
name: ROBERT H. CORNTHWAITE
address: 12415 BAYWATER ROAD
FORK, MARYLAND 21051

**PROTESTANT'S
EXHIBIT 5**

ABBREVIATIONS

Car No. 1 : Dark blue sedan License No. WJT 460
Car No. 2 : Brown Bronco License No. 0950494
Car No. 3 : Light blue Nissan License No. 150821M

St Bat : Right of way at 12227 Stoney Batter Road
Bays : Baywater Road

All activity is to and from 12227 Stoney Batter Road

Thursday, October 12, 1989

Car No. 1 arrived via St Bat 6:30 a.m.
Car No. 2 arrived via St Bat 6:35 a.m.
Car No. 3 arrived via St Bat 6:37 a.m.

Dump truck, with trailer holding equipment, left via Bays at 6:52 a.m.,
followed by blue van.

The three left via St Bat about 3:30 p.m.

Friday, October 13, 1989

Car No. 1 arrived via St Bat 6:55 a.m.
Car No. 2 arrived via St Bat 7:05 a.m.
Car No. 3 arrived via St Bat 7:07 a.m.

Dump truck with trailer holding roller left 7:22 a.m.
Dump truck with trailer returned 8:20 a.m.
Dump truck with trailer holding loader left 8:32 a.m.
Dump truck returned 1:25 p.m.

Saturday, October 14, 1989

~~Dump truck left via St Bat at 9:15 a.m.~~

Sunday, October 15, 1989

Sounds of equipment being moved around 8:15 - 8:45 p.m.

Monday, October 16, 1989

Car No. 1 arrived 6:25 a.m. via St Bat
Car No. 2 arrived 6:41 a.m. via St Bat

Dump truck with trailers and equipment left at 6:41 a.m.,
followed by blue van.
Dump truck, trailer, and van arrived 3:00 p.m.

Wednesday, October 18, 1989

Rain. No activity seen.

**PROTESTANT'S
EXHIBIT 3**

Thursday, October 19, 1989

Rain. No activity seen.

Monday, October 23, 1989

Car No. 1 arrived St Bat 6:30 a.m.
Car No. 2 arrived St Bat 6:32 a.m.
Car No. 3 arrived St Bat 6:35 a.m.

Tuesday, October 24, 1989

Car No. 1 arrived St Bat 6:30 a.m.
Car No. 2 arrived St Bat 6:25 a.m.
Car No. 3 arrived St Bat 6:33 a.m.

Wednesday, October 25, 1989

Car No. 1 arrived St Bat 6:30 a.m.
Car No. 2 arrived St Bat 6:32 a.m.
Car No. 3 arrived St Bat 6:34 a.m.

Van left 6:45 a.m.

Thursday, October 26, 1989

Car No. 1 arrived St Bat 6:30 a.m.
Car No. 2 arrived St Bat 6:45 a.m.

Dump truck with trailer holding equipment left via Bays at 6:52 a.m.,
followed by van.

Monday, October 30, 1989

Car No. 1 arrived St Bat 6:55 a.m.
Car No. 2 arrived St Bat 7:05 a.m.
Car No. 3 arrived St Bat 7:02 a.m.

Heavy fog. Dump truck and equipment had not left by 8:00 a.m.

Dump truck with trailer and equipment returned via Bays about 5 p.m.

Car No. 1 left St Bat 5:15 p.m.
Car No. 2 left St Bat 5:17 p.m.
Car No. 3 left St Bat 5:18 p.m.

Tuesday, October 31, 1989

Rain. No activity seen.

Wednesday, November 1, 1989

Car No. 1 arrived St Bat 7:50 a.m.
Car No. 2 arrived St Bat 8:05 a.m.

Dump truck with trailer holding equipment left via Bays 8:00 a.m.
Van left 8:07 a.m.

Thursday, November 2, 1989

Car No. 1 arrived 6:55 via St Bat
Car No. 2 arrived 7:00 via St Bat

Dump truck left via Bays at 7:15 a.m., followed by blue van

Friday, November 3, 1989

Rain. No activity seen.

Tuesday, November 7, 1989

Car No. 1 arrived St Bat 6:58 a.m.
Car No. 3 arrived St Bat 6:40 a.m.

Van left via Bays 7:12 a.m.

Wednesday, November 8, 1989

Car No. 1 arrived St Bat 6:55 a.m.
Car No. 3 arrived St Bat 7:12 a.m.

Van left via St Bat 7:15 a.m.

Thursday, November 9, 1989

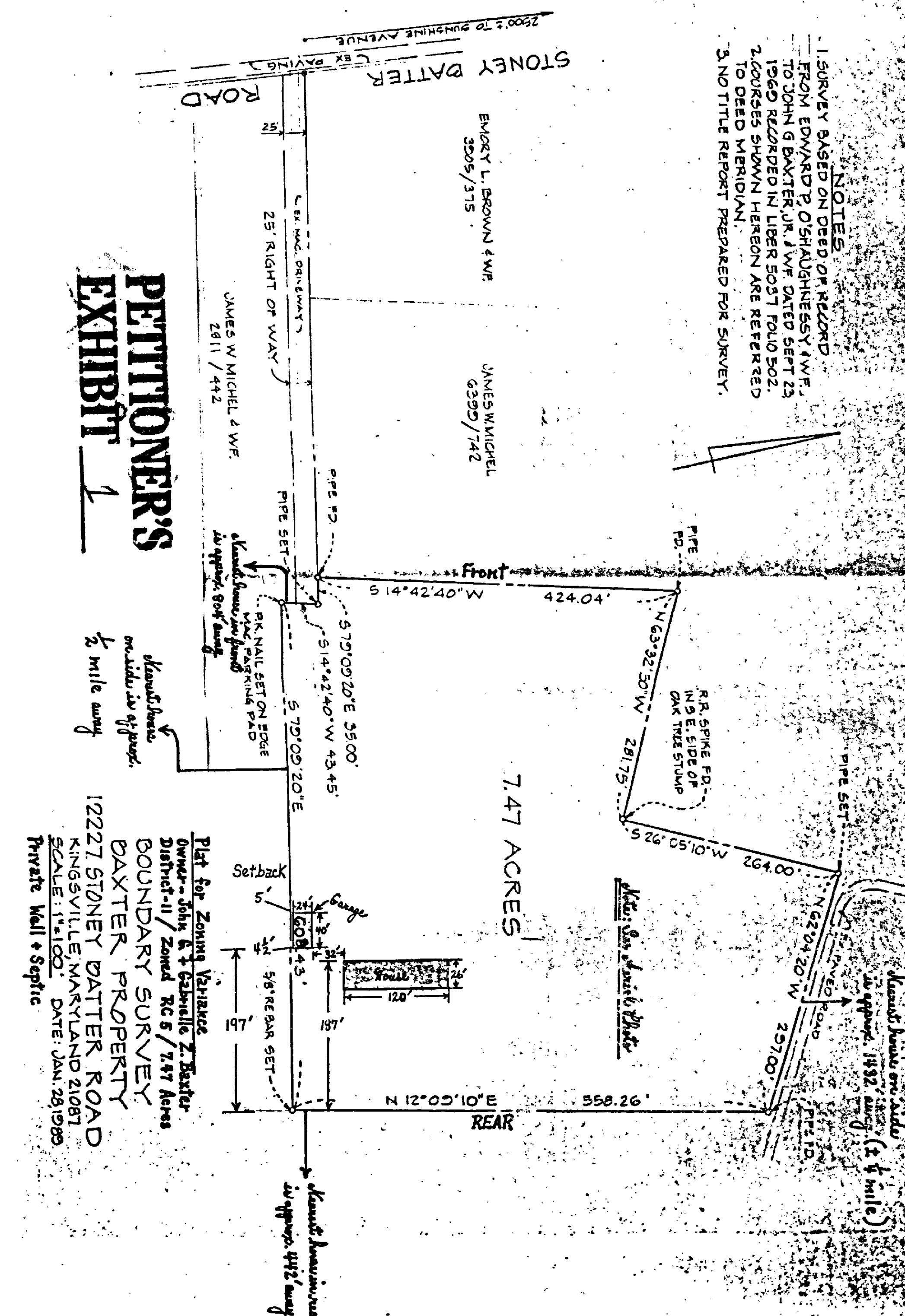
Rain. No activity seen.

Friday, November 10, 1989

Car No. 1 arrived St Bat 6:55 a.m.
Car No. 3 arrived St Bat 7:03 a.m.

Van left 7:07 a.m.

**PETITIONER'S
EXHIBIT 1**



To The Zoning Commissioners of Baltimore County:
Re: Case Number 90-188-A

I am unable to attend the zoning hearing on Tuesday,
November 21, 1989, but request that this letter be read into
the proceedings.

I have seen construction equipment such as a dump truck
and a trailer with paving equipment move from 12227 Stoney Batter Road
in the mornings and return in the afternoon or evening. I have heard
the noise of this equipment on various days of the week, including
Sundays.

I object to the noise, to the traffic, and to the existence
of a heavy construction business in a residentially zoned area.

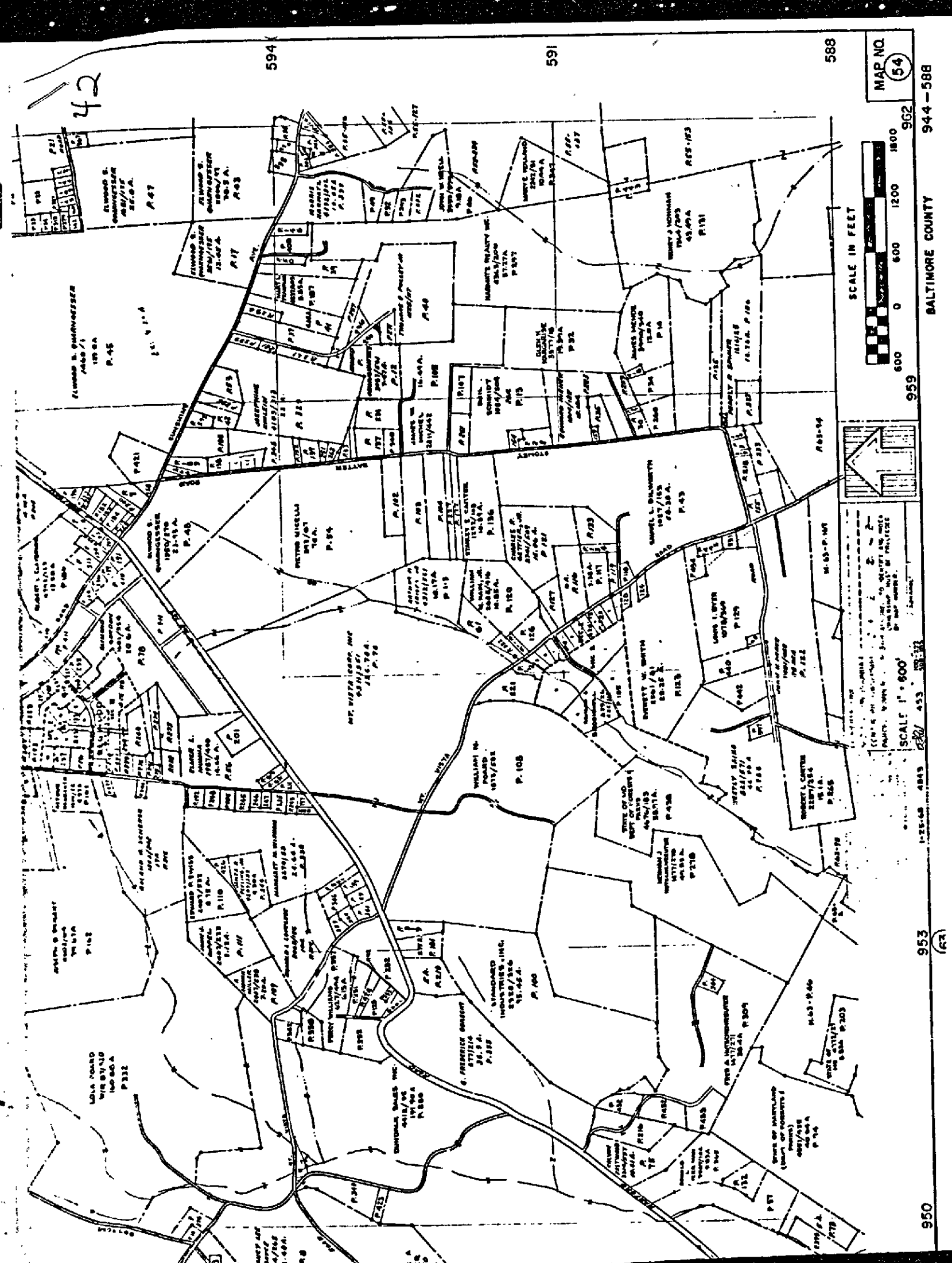
signed: Robert H. Cornthwaite
name: ROBERT H. CORNTHWAITE
address: 12415 BAYWATER ROAD

**PROTESTANT'S
EXHIBIT 4**



PAVE-RITE, INC.
Kingsville, MD
PAVING - GRADING - HAULING
301-592-3522

**PROTESTANT'S
EXHIBIT 2**



PROTESTANT'S
EXHIBIT 6

| <u>NAME</u> | <u>SIGNATURE</u> | <u>ADDRESS</u> |
|-----------------------|------------------------|---|
| James W. Michel | James W. Michel | 12225 Stony Batter Rd. Kingsville, Md. 21087 |
| Marion C. Michel | Marion C. Michel | 12225 Stony Batter Road KINGSVILLE MD 21087 |
| Ma H Cornthwaite | William H. Cornthwaite | 12415 Bayswater Rd. |
| Walter H. Cornthwaite | W. H. Cornthwaite | 12415 BAYSWATER ROAD. Folk, Md. 21051 |
| W. H. Cornthwaite | W. H. Cornthwaite | 6901 SUNSHINE AVENUE |
| Edna A. Schmidt | Edna A. Schmidt | 12123 Stony Batter Rd. Kingsville |
| Frank E. Schmidt | Frank E. Schmidt | 12123 Stony Batter Rd. Kingsville 21087 |
| Margaret Carter | Margaret Carter | 12130 Stony Batter Rd |
| Stanley E. Carter | Stanley E. Carter | 12130 Stony Batter Rd 21087 |
| James E. Guernsey | James E. Guernsey | 12435 Bayview Rd. 21087 |
| Mary V. Guernsey | Mary V. Guernsey | 12435 Bayview Rd 21087 |

| NAME | SIGNATURE | ADDRESS |
|-------------------------|-------------------------|--|
| José E. Guerrero Jr. | José E. Guerrero Jr. | 12405 Baycenter Pl Kingsville MD, 21089. 210571 |
| Agnes Alefander | Agnes Alefander | Baycenter Rd Forks |
| Betty J. Brown | Betty J. Brown | 12301 Stony Batter Rd. |
| Emory Brown | Emory Brown | " " " " |
| Phil Whit W. Funder | Phil Whit W. Funder | 12312 Stony Batter Rd 21089 |
| Stony Batter | Stony Batter | Stony Batter Rd 21089 |
| Allen T. Warfield | Allen T. Warfield | 12401 Stony Batter Rd Kingsville Md 2108 |

| <u>NAME</u> | <u>SIGNATURE</u> | <u>ADDRESS</u> |
|----------------|------------------|-------------------------|
| JEFF WILLIE | Jeff Willie | 12210 Stoney Batter Rd. |
| Blaise Willig | Blaise Willig | 12312 Stoney Batter Rd. |
| Vera Velatis | Lina C. Velatis | 12116 Stoney Batter Rd. |
| George Velatis | G. Velatis | 12216 Stoney Batter Rd. |
| Joyce Willig | Joyce Willig | 12208 Stoney Batter Rd. |
| Keith Willig | Keith A. Willig | 12208 Stoney Batter Rd. |
| Gig Willig | Janyl A. Willig | 12210 Stoney Batter Rd. |
| Darb Willig | Barbara Willig | 12212 Stoney Batter Rd. |
| Barbara Nash | BECKY NASH | 12321 Stoney Batter Rd. |
| John Nash | JOHN NASH | " " |
| Thomas A. Will | Thomas A. Will | 12323 Stoney Batter Rd. |

[illegible]

11/7/89 mailed late Comments ju

MSF/1vw

JK/KEK

416 1 8 19



1986 Aerial photo of my property shows
the Garage with two different color roofs.
I re-panelled the roof and sides of this
building in April 1986 to conform to
the color scheme of my house.
As can be seen from this photo, the nearest
house in the rear is 442' from the Garage.
Nearest house in the front is 80' from the
Garage. > This screen the Garage from view
from any direction.

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

| SCALE | LOCATION | SHEET |
|--|------------------|-------|
| 1" = 200' ± | SOUTH OF FORK | N.E. |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | 15-1 |